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Senate

The Senate met at 10:02 a.m. and was called to order by the Honorable JOHN E. WALSH, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal spirit, the fountain of wisdom and strength, we praise You for the gift of this day. You sustain us with the strength we need to fulfill Your purposes for such a time as this. Lead our lawmakers to new levels of wisdom, providing them with faith for their perplexities, insights for their decisions, and light for the path ahead.

Lord, use our Senators this day as instruments of Your powerful providence. Replenish the wells of their spirit with Your peace that passes understanding. Hear our prayer, O Lord. Incline Your ears to us and give us Your peace.

We pray in Your faithful Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY). The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 16, 2014.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. WALSH, a

Senator from the State of Montana, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. WALSH thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

BANK ON STUDENTS EMERGENCY LOAN REFINANCING ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 409, S. 2432.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows: Motion to proceed to Calendar No. 409, S. 2432, a bill to amend the Higher Education Act of 1965 to provide for the refinancing of certain Federal student loans, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will be in a period of morning business until 12:30 p.m. today. During that period of time, Senators will be permitted to speak for up to 10 minutes each.

Following morning business, the Senate will recess from 12:30 p.m. until 2:15 p.m., to allow for weekly caucus meetings. At 2:15 p.m. the Senate will proceed to rollcall votes on confirmation of the Baran and Burns nominations, followed by several voice votes on executive nominations.

ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that the time between 3 p.m. and

4 p.m. today be under the control of the majority and the time from 4 p.m. until 5 p.m. be under the control of the Republicans.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A FLAWED APPROACH

Mr. President, the 18th century French philosopher Voltaire once said:

One day everything will be well, that is our hope. Everything's fine today, that is our illusion.

There is no better portrayal of the Republican Party's flawed approach to governance than what Voltaire said. Senate Republicans deceive themselves by thinking their obstruction is good for the Nation, that the status quo is helping American families. Meanwhile, the Republicans are out stumping and promising the American people that if they just put Republicans in charge, everything will be better. What are those promises based on? Certainly not recent history.

Let's take a look at what Republicans in this body have done for American families: Republicans have blocked the Paycheck Fairness Act not once, not twice, not even three times but four times, thereby preventing American women from receiving a fair wage for their work. Remember, this is simply making it possible for a woman who does the exact same work as a man to get paid the exact same amount of money. Republicans have blocked legislation to prevent companies from denying their workers specific health benefits, including birth control, as required by Federal law.

Republicans also blocked a bill allowing Americans with student debt to refinance their loans at lower interest rates. The student loan debt stands at \$1.3 trillion. It is higher than credit card debt. It is higher than any other debt.

Republicans rejected an increase in the minimum wage, essentially relegating millions of hard-working

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Americans to poverty. Republicans even refused to give unemployment benefits to the very long-term unemployed. Republicans rejected the Bring Jobs Home Act which would end the absurd practice of American workers bankrolling the outsourcing of their very own jobs.

Republicans even filibustered an extension of tax credits that help American families. The Republicans have repeatedly refused to pass commonsense immigration reform that keeps families together, spurs the economy, and reduces our national debt by \$1 trillion. Let's not forget, Republicans in Congress shut down the Federal Government. Too often Republicans have rebuffed Democrats' attempts to give American families a fair shot. Republicans must know their obstruction is hurting our country. The Republicans must know the status quo is not working.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

NAVY YARD TRAGEDY

Mr. MCCONNELL. Mr. President, 1 year ago today, just a few blocks from here, a lone gunman slipped into the Navy Yard and tragically took 12 lives. It was one of the deadliest such attacks on a U.S. military base in American history. We have not forgotten those who fell that day in Building 197, and all of us in the Senate send our condolences to their families and everyone who loved them. They are not forgotten.

THE ECONOMY

Mr. President, the Democrats who run Washington have had almost 6 years to fix the economy. They have already tried just about everything their ideology will allow to fix it. They raised taxes on everything from life-saving medical devices to personal medical expenses. They have piled up record debt and shoveled billions in subsidies to the well connected, and they have empowered bureaucrats to cancel health care plans for the middle class, declared war on the jobs of vulnerable Kentucky families and—through EPA's Waters of the United States proposed rule—they are trying to regulate every last pond and ditch in our country. None of this has worked.

According to a recent Gallup survey, a solid majority of Americans believes the economy is actually getting worse, not better. Let's not forget that for several years the Democrats had supermajority control of Washington, could have passed anything they wanted, and all too often they did.

Since then, a Republican-led House of Representatives has tried to advance solutions on its own by passing dozens of jobs bills—many with strong bipartisan support over in the House. But the Democratic majority in the Senate simply refuses to take them up, and it is hard to understand why. It is hard to know if today's Washington Demo-

cratic Party is blinded by ideology or if they are so obsessed with the never-ending campaign that they cannot be bothered to govern.

Whatever the reason, the simple truth is this: Washington Democrats had a choice between helping the middle class and bowing to campaign pollsters and the left. It is obvious whom they chose.

The American people are worried about ISIL and the continuing threat of terrorism. They see a humanitarian crisis at the border. Many struggle every month to pay the bills. Millions still can't find work.

How do Democrats respond? They bring up a bill that would take an eraser to the First Amendment. So the hard left is clearly in the driver's seat on the other side. That is clear every time the Democratic majority ignores the concerns of our constituents to turn to yet another one of their so-called messaging bills, such as the recent one on eroding free speech, and it is truly a shame. That is not why the American people sent us.

It is long past time for Democrats to drop all the designed-to-fail bills and turn to serious job-creation ideas instead. There are literally dozens of House-passed jobs bills on the majority leader's desk. Why not pick up some of them and pass them. Let's get them to the President. Let's work together on a serious energy policy. Let's join hands to erase the strain on working moms and dads. Let's work toward sensible health care reform that doesn't hurt the middle class as ObamaCare does. Let's help college graduates find full-time work and start marching toward the careers they have always dreamed of. That is just a start.

If the Democratic Party is truly interested in getting serious, they should look at the many commonsense policy ideas advocated by Senators on my side of the aisle.

NLRB REFORM

Mr. President, my friend the senior Senator from Tennessee has always been a strong advocate for smart reform policies. He will discuss another one of those in just a moment. It is a bill that would go a long way toward remedying a serious problem that has been caused by the politics-at-all-cost mentality I have just described.

Here is the issue: Everybody is familiar with the President's unconstitutional effort to pack the National Labor Relations Board with liberal partisans back in early 2012. Some people are also familiar with the NLRB's more recent effort to undermine secret ballots for union elections, allow labor bosses access to sensitive employee information without their consent, and prevent companies from building factories in States with laws the President's picks don't like.

The NLRB is trying to destroy the franchisee model that has allowed so many Americans to own and operate their own businesses. They want to take away independence from small

business men and women—such as decisions on whom to hire, how much to pay them, and how to run their business—and put it in the hands of corporate bosses. The so-called joint employer standard is all about politics and appeasing the left.

Big Labor bosses want it because it helps them expand and acquire more dues at the cost of small business owners who employ so many Americans. This is simply not right. For many in the middle class franchising represents a ticket to the dream of opening their own business. For many it may be their only chance to live that dream.

This is how one single mom and second-generation franchisee put it:

To have my franchiser take over greater control of my daily operations would not only change my relationship with them, but it would ruin the dream of small business ownership for many hardworking Americans.

This is what a hotel franchise in Lexington had to say:

My family came to the United States in search of the American dream and we found it as hoteliers and franchisees. The current franchise model has been instrumental in providing my family and me with opportunities for entrepreneurship and the ability to employ over 300 hardworking Kentuckians.

But this Kentuckian warned that this action by the NLRB could end his independence as a small business owner by ceding decisions to a far-off corporate headquarters. The NLRB action could have "devastating impacts on my ability to create jobs, grow my businesses and support my community," he said.

Extreme, politically motivated proposals such as these hurt our constituents.

It is time to restore the balance to the National Labor Relations Board. Let's take the politics out of it. That is just what the legislation of my friend from Tennessee seeks to do. I will let him explain it, but here is the key: It would restore the NLRB to its proper role as an umpire instead of an advocate for the right or the left. It is the kind of thing our constituents want to see us doing—standing up for reform and against entrenched political interests.

I am asking our Democratic friends to please shelve the designed-to-fail playbook and work with Republicans on a designed-to-succeed agenda instead. Six years of failure is quite enough.

EBOLA EPIDEMIC

Today President Obama will visit the Centers for Disease Control and Prevention to announce new efforts to contain the Ebola epidemic in West Africa. The U.S. Africa Command will stand up a Joint Force Command in Monrovia, Liberia, to provide command and control of U.S. military activities and help coordinate international relief efforts. Current estimates are that 3,000 military personnel will establish an intermediate staging base for supplies and equipment, set up a training site to prepare 500 health care workers per week to provide medical care to patients, and stand up a

field Defense Department hospital to care for any of our health care workers who become ill. Also contributing to our national reaction to this epidemic is the U.S. Agency for International Development.

The CDC has deployed personnel to Africa, and the National Institute of Health is developing an investigational Ebola vaccine. CDC is also working with Customs and Border Patrol to identify travelers showing any signs of infectious disease.

I support these efforts to contain the Ebola epidemic and know we will monitor this humanitarian crisis in the weeks ahead.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Tennessee.

EBOLA EPIDEMIC

Mr. ALEXANDER. Mr. President, before discussing the legislation involving the National Labor Relations Board which the Republican leader mentioned, I wish to align myself with his comments on the Ebola epidemic. In my view, he is right to support the President's effort for a more urgent response to this epidemic.

I am not given to making overstatements—I think that would be a fair reputation in this body—but I believe we should treat the Ebola epidemic as seriously as we treat the danger of ISIS. Why would I say that? Because the head of the Centers for Disease Control and our United Nations Ambassador, who is working with other countries to get them involved, say this: This is one of the most deadly, explosive epidemics in modern times. It moves rapidly. There is no vaccine, and there is no cure. One sick person can fairly quickly infect 20 other persons within a family in these West African countries where it is now a problem. One can see how quickly this could spread and become hundreds of thousands of cases or even millions of cases.

This is a case where Samantha Power said to me: We should be running toward burning flames with our fireproof suits on. In other words, we know how to control it. We know how to identify sick people and isolate them and treat them. Even though half of them die, we know how to do that. But the rate of growth of this epidemic is so rapid that we need to have a response that is as urgent as the problem.

I congratulate the Republican leader for supporting the President's effort today to call attention to this. So much is happening in the world, and there is a possibility that we would treat the Ebola epidemic as an important issue but not a major issue. As I said, I believe we must take the deadly,

dangerous threat of Ebola as seriously as we take the threat of ISIS.

I support the administration's recommendation to spend \$30 million in the continuing resolution to upgrade the public health efforts there. I support the reprogramming of \$500 million to involve the military in a way to deal with this. I support the effort to spend \$58 million, which would be to fast track efforts to develop a treatment and cure, as well as vaccines to prevent it.

NLRB REFORM

Mr. President, the Republican leader spoke about legislation he and I are introducing today which we call the National Labor Relations Board Reform Act.

(The remarks of Senator ALEXANDER pertaining to the introduction of S. 2814 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALEXANDER. I thank the Chair. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I have great respect for the Senator from Tennessee, having worked together on many issues, as politicians often throw those words around. He is a good person, a good Senator. I enjoy working with him. I do have to take exception to one thing, though.

EQUAL PAY

Mr. DURBIN. Yesterday we had a vote on a labor issue. This was a vote as to whether men and women in the workplace working the same jobs get the same pay. Most people would say: Well, isn't that the law already? Yes.

Unfortunately, the law as written in 1963 with the Equal Pay Act isn't working very well. In a lot of workplaces women are paid less. In the State of Illinois, it is about 75 cents for every dollar paid to a man for most women unless you happen to be an African man and then it is 65 cents, or Hispanic, it is 65 cents. The actual working relationships in many businesses discriminate against women.

We offered a bill yesterday to the Equal Pay Act brought to the floor by Senator MIKULSKI of Maryland and Senator BOXER of California. We asked if we could now revisit the Equal Pay Act to make sure it is enforceable and that it works so that literally if my son or my daughter ended up with the same job and the same workplace and the same work record, they would get the same pay. Not a radical idea by any measure. That was what we brought up for a vote yesterday.

I took a look at the CONGRESSIONAL RECORD to refresh my memory and talked with the staff. Not one Republican Senator would vote for that bill—not one. There were 52 votes in favor of moving forward on this bill. All of them were from the Democratic side.

So when I listen to these calls for reform when it comes to labor laws and

bipartisanship when it comes to labor laws, my obvious question to my friends on the other side of the aisle is: Where were you yesterday? We had a chance here on the floor of the Senate to do something on a bipartisan basis for pay equity, equal pay for men and women in the workplace.

This is not the first time we faced this issue. Lilly Ledbetter became somewhat legendary in America. This lady, whom I had the privilege to meet a few times, had a tough job. She worked at a tire manufacturing facility in Alabama. She worked hard for a long time. As she was nearing retirement, someone went up to her and said: Lilly, you have been a manager around here a lot of years, but they are paying you a heck of a lot less than the men who have the same job in this plant. She didn't quit.

They don't publish the wages of all coworkers so that you would know this. She was upset about it. She spent all those years working there and she was being discriminated against because she was a woman. She filed a lawsuit, as she was entitled to under the law, saying that this was discriminatory and she was entitled to back pay for this discrimination.

The Supreme Court, right across the street, threw out the lawsuit and said she didn't report this discrimination in a timely fashion. She didn't report that she was being paid less within a certain number of months, and her response was: How would I even know that? I don't know what that man who was the manager next to me is being paid any more than he knows what I am being paid.

That is what the Supreme Court decided.

The first bill that was signed into law by President Obama, the Lilly Ledbetter Act, said that Lilly Ledbetter and people like her at a future time would be allowed to sue for back wages if they were discriminated against.

Very few, if any, Republicans supported this. When I hear speeches on the floor about reforming labor laws and the workplace laws in America, let's do it in a bipartisan fashion. When it got down to the real basics, S. 2199 yesterday, not a single Republican would join us, not one. I would think they would feel as we do. It is only fair. It is only fair that if you are in the workplace doing the same job, you get the same pay. Unfortunately, not one of them would. So when they call for reforming the National Labor Relations Board and they call for bipartisanship, I think it should start right here when it comes to legislation that comes before the Senate.

I also listened to the Republican Senate leader come to the floor today and talk about the state of our economy. I wonder sometimes if Members of the Senate, who are entitled to their own opinions, should also be entitled to their own facts because what the Senator from Kentucky failed to note was